

Minutes  
Catawba County Board of Commissioners  
Regular Session, Monday, February 19, 2007, 7:00 p.m.

**Commendations**

William Butler, Patricia Goodwin and Catawba Rescue Squad 534 02/19/07

**CDBG**

Public Hearing to close out CDBG Economic Recovery Planning Project 03-P-1166 538 02/19/07

Public Hearing to close out CDBG Planning Project 02-P-0972 538 02/19/07

**Economic Development Corporation**

Issuance of \$4,500,000 Industrial Revenue Bonds 539 02/19/07

**Fiber-Line, Inc.**

Issuance of \$4,500,000 Industrial Revenue Bonds 539 02/19/07

**ICMA**

Leadership Group 540 02/19/07

**Planning**

Public Hearing on rezoning request of Miller/Feege 534 02/19/07

Public Hearing on rezoning request of Jim Sherrill 536 02/19/07

Public Hearing on rezoning request of Harvest Investment Properties, LLC 537 02/19/07

Public Hearing on rezoning request of Edmund and Deborah Wyatt 537 02/19/07

**Public Hearings**

Rezoning request by Miller and Feege 534 02/19/07

Rezoning request by Jim Sherrill 536 02/19/07

Rezoning request by Harvest Investment Properties, LLC 537 02/19/07

Rezoning request by Edmund and Deborah Wyatt 537 02/19/07

Close out of CDBG Economic Recovery Planning Project 538 02/19/07

Close out of CDBG Planning Project 538 02/19/07

**Resolutions**

Issuance of \$4,500,000 Industrial Revenue Bonds 539 02/19/07

The Catawba County Board of Commissioners met in regular session on Monday, February 19, 2007 at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbits Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Vice-Chair Barbara G. Beatty and Commissioners Dan Hunsucker, Glenn E. Barger and Lynn M. Lail.

Chair Katherine W. Barnes was absent.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Joellen Daley, Assistant County Manager Lee Worsley, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Vice-Chair Barbara G. Beatty called the meeting to order at 7:00 p.m.
2. Vice-Chair Beatty led the Pledge of Allegiance to the Flag.
3. Commissioner Glenn E. Barger offered the invocation.
4. Commissioner Lynn M. Lail made a motion to approve the minutes of the Regular and Closed Session Meetings of Monday, February 5, 2007. The motion carried unanimously.

5. Recognition of Special Guests: Vice-Chair Beatty recognized everyone present as a special guest and specifically recognized Sherry Butler from the Catawba County School Board, Catawba County Schools Superintendent Dr. Markley and Paul Carter from the Lake Norman Marine Commission.
6. Comments for Items not on the Agenda. None.
7. Presentations.  
Vice-Chair Beatty presented Certificates of Commendation to William Butler, a Bandys High School junior, Patricia Goodwin, a registered nurse and Donnie Houston and Ruth Payne of the Catawba Rescue Squad, whose quick thinking and professional care recently saved the life of a citizen who collapsed at a Bandys High basketball game. A person attending the game was unresponsive after collapsing. Mr. Butler, a junior member of the Catawba Rescue Squad, and Ms. Goodwin responded immediately, used an automated external defibrillator in an attempt to revive the victim, and provided life support until paramedics arrived. Mr. Butler continued to assist paramedics until the patient was stabilized for transport to a hospital. The commendations further saluted Catawba Rescue Squad's initiative to train the future emergency responders of Catawba County and the rescue squad's overall effort that evening. The Board also recognized the County's Emergency Services paramedics, Stephanie Fitzgerald and Jessie Edwards, who also responded to this incident.
8. Public Hearings: Vice-Chair Beatty announced there were the following six items on the public hearing agenda for the evening:
  - a. Cal Overby, Planner, presented a request of Mr. John Miller and Ms. Catherine Miller, and Ms. Darlene Feege, to rezone two parcels totaling 1.17 acres, located at 3013 and 3025 NC Highway 127 South in the Mountain View Small Area Planning District, from the R-20 Residential District to the O-I Office and Institutional District. The two parcels are occupied by two single-family residential homes. The property to the north is zoned R-20 Residential and is occupied by a single-family residence; properties to the south across NC 127 are zoned C-4 Commercial and PD-SC-C Planned Development Shopping Center Community by the City of Hickory. They are occupied by a car wash, a fast food restaurant and a physician's office. The property to the east is zoned R-20 Residential and is vacant, while the property to the west across Frye Ave. is zoned Office and Institutional by the City of Hickory and is occupied by a multi-tenant office building. NC 127 South is designated as a major thoroughfare by the Hickory-Newton-Conover Urban Area Transportation Plan. Major thoroughfares are defined as primary traffic arteries of the urban area. Their purpose is to move traffic from city to city and within urban areas; therefore, strip development and multiple driveway access is to be discouraged.

The Catawba County Unified Development Ordinance states that the O-I Office and Institutional District is intended to accommodate low intensity office and institutional, and commercial land uses. Properties located within O-I Districts may be developed to a maximum floor area ratio of 1:5. The two properties could individually accommodate approximately 5,000 square feet of floor area, or 10,000 square feet collectively. The subject properties are also located within the Mixed Use Corridor Overlay District, which places specific use, site and building design standards on non-residential construction and development.

The Mountain View Small Area Plan, adopted on October 21, 2002, serves as the current land use plan for this area. The plan identifies this section of NC 127 South as a Highway Corridor (suitable for commercial, and office and institutional uses). Catawba County staff considered this request to be in conformance with the adopted land use plan but the size of the parcels in question prohibits large-scale Office and Institutional uses. Staff recommended approval of this rezoning request based upon: 1) the Mountain View Small Area Plan recognizing this area as a Commercial and Office and Institutional corridor; 2) the purpose of the O-I Office and Institutional District; and 3) the close proximity of existing office and commercial zoning. The Catawba County Planning Board held a public hearing on this rezoning on January 29, 2007. A total of eight citizens spoke during the public hearing. Four spoke in favor of the rezoning, and four in opposition to the rezoning, with those in opposition citing traffic congestion and safety, stormwater issues (drainage); and the historical residential character of the area. The Planning Board concurred with the staff recommendation to

support the request to rezone the property from R-2 Residential to O-I Office and Institutional, based on the factors cited above.

Vice-Chair Beatty asked if the Board members had any questions and there were none. She then announced that it was the time and place advertised for the public hearing and asked anyone who wished to speak to come forward. The following people came forward:

Lucinda Stevens – Hickory – spoke in favor of the rezoning.

Darlene Feege –3025 Hwy 127S - owner of one of the parcels – in favor of rezoning – over the past five years, the area in question has not been residential. The property is used by the owners for rental use and it has been difficult to rent as a residential structure.

Lu Bond – Pin Oak, Hickory – owns a multi-business office building near the subject property – in favor of rezoning.

Catherine Miller – Mt. View – owner of one of the parcels – area has changed from rural to residential to commercial – property no longer suitable for residential use – can't find renters or buyers for residential use of the property – in favor of rezoning.

Carolyn Miller – Zion Church Rd, Mt. View – in favor of rezoning because the properties at issue are in the middle of a commercial area.

Claude Bellows – Mt. View – in favor of rezoning – rented Miller property and there were traffic and noise issues that made it inappropriate for residential use.

Arseno Arthur – Bethel Church Rd – visited Miller home while used as a residential rental – traffic and noise inappropriate for residential use – in favor of rezoning.

Carmen Ogden – Bethel Church Rd – in favor of rezoning commercial.

Richard Cliven – property owner south of the subject properties – in favor of rezoning – traffic and noise not conducive for residential use.

Ginny Martin – Mt. View – in favor of rezoning due to traffic concerns.

Catherine Pitts – owns property behind the parcels at issue. Opposed to rezoning because the driveway to the Feege property is on Frye Ave which is in a housing development.

Sherry Pitts – 2064 Frye Ave – opposed to rezoning – water problems behind property – should stay residential.

Jody Delveccio – lives and works in Mt. View – runs an investment office next to property at issue. Sees no reason not to approve rezoning request due to change of area from residential to commercial – in favor of rezoning.

Patricia Miller Linch – Hickory – stated water drainage problem was not caused by the subject properties. In favor of rezoning.

Joe Cook – Mt. View – said that when they start developing and paving the sites, there will be more water problems – opposed to rezoning.

Elizabeth Grey – in favor of rezoning.

Vice-Chair Beatty closed the public hearing. Commissioner Hunsucker asked the staff about the driveway cut on Frye Ave and asked if the DOT would allow a cut onto Hwy 127. Planner Cal Overby said it was his understanding that DOT may permit access onto Frye but if there were access onto Hwy 127 it would probably require some traffic improvements due to the high volume of traffic.

Commissioner Hunsucker asked if a stop light might be installed at that intersection and the response was that DOT would make that decision and Vice-Chair Beatty suggested it be requested from DOT. Commissioner Hunsucker said he sympathized with the property owners with the water issues but looking at the rest of the property and the surrounding zoning changes that have been made to O&I, he would vote for the rezoning. Commissioner Barger stated he thought there were two issues which were what was the best use of the property and what was in the best interest of the housing development. He said it was his understanding that the two parcels at issue were a part of the subdivision and asked County Attorney Debra Bechtel if there were any covenants that would restrict this rezoning and there were not. He also questioned how far into the development could property owners request rezoning to O&I and there was no restrictions as to how far into the development those rezoning requests could go. He also stated he did not think the water issue or the traffic issue would change whether it was O&I or residential. Commissioner Barger said he did not see any reason not to rezone the parcels at issue. Commissioner Lynn Lail concurred with Commissioners Hunsucker and Barger and said it was appropriate to rezone the property particularly in light of the Small Area Plan and the properties that surround the properties at issue. Commissioner Lail made a motion to approve the rezoning. The motion carried unanimously.

b. Cal Overby, Planner, presented a request of Mr. Jim Sherrill to rezone a 4.28-acre parcel at 2617 Highway 16 South in the Balls Creek Small Area Planning District, from the RC Rural Commercial and R-40 Residential Districts to the HC Highway Commercial District. The subject parcel is vacant. The property immediately to the north across Highway 16 is zoned RC (Rural Commercial) and is being developed for the location of a convenience store and gas station. The property to the northwest across the intersection of Highway 16 and Bethany Church Rd./Smyre Farm Rd. is zoned HC (Highway Commercial) and is occupied by an auto sales and auto repair facility. The property to the northeast across Highway 16 is zoned R-40 Residential and is occupied by a single-family residence. Properties to the south are zoned R-40 Residential and occupied by a church and single-family residence. Properties to the east are zoned R-40 and occupied by single-family residences. Properties to the west across Smyre Farm Road are zoned R-40 and occupied by two single-family residences. NC 16 South is designated as a major thoroughfare by the Catawba County Transportation Plan.

The Catawba County Unified Development Ordinance (UDO), section 44-418, HC Highway Commercial District, states "... this district provides areas for regional highway-oriented business, office, services and civic uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting uses and building forms that are compatible with the surrounding area".

The R-40 District is considered a low-density residential and agricultural district. Permitted uses within the Rural Commercial (RC) District generally consist of retail and service uses targeting the immediate surrounding neighborhoods. Permitted uses in the R-40 District consist of site-built homes, duplexes and agricultural uses. However, Section 44-402 of the UDO states, "Where a zoning lot contains two or more district designations, the regulations of the underlying general district fronting the public street shall govern, except where lots front on Lake Hickory, Lake Lookout, or Lake Norman or the main stem of the Catawba River". This stipulation would, in effect, cause RC District regulations to guide development on this entire 4.28-acre parcel. The stated intent of the Highway Commercial (HC) District is to provide for the location of business, office and service uses in the vicinity of regional highways. Uses permitted within the HC District are typically larger in terms of physical size and greater in intensity than those uses permitted within the RC District.

The Balls Creek Small Area Plan, adopted on June 16, 2003, serves as the current land use plan for this area. The plan identifies the intersection of Highway 16 South and Smyre Farm Road as a Neighborhood Commercial Node. County staff considered this request to be in conformance with the adopted land use plan and recommended the rezoning of the property from RC Rural Commercial and R-40 Residential to HC Highway Commercial based upon: 1) the fact that the Balls Creek Small Area Plan recognizes this area as a Neighborhood Commercial Node; 2) the intent of the HC Highway Commercial District; and 3) the close proximity of existing HC Highway Commercial zoning. The Catawba County Planning Board conducted a public hearing on this request on January 29, 2007. No one present opposed the rezoning. The property owner spoke in favor of it. The Planning Board

concurred with the staff recommendation to support the request to rezone the property from RC Rural Commercial and R-40 Residential to HC Highway Commercial, based on the factors cited above.

Vice-Chair Beatty asked if there were any questions from the Board members and there were none. She stated that it was the time and place advertised for the public hearing and asked anyone who wished to speak to come forward. Hearing and seeing no one, Vice-Chair Beatty closed the public hearing. Commissioner Hunsucker made a motion to approve the rezoning. The motion carried unanimously.

c. Cal Overby, Planner, presented a request of Harvest Investment Properties, LLC to rezone a 2.1-acre parcel at 5767 Highway 150 East in the Sherrills Ford Small Area Planning District, from R-20 Residential to HC Highway Commercial. The subject parcel is occupied by a single-family residential home. Properties to the north across Hwy 150 are zoned HC Highway Commercial, R-20 Residential and PD-Planned Development and occupied by a single-family residential home, an auto maintenance/repair facility, and a physician's office, respectively. Properties to the south are zoned R-20 Residential and HC Highway Commercial and occupied by a single-family residential home and an equipment rental business. The property to the east is zoned R-20 Residential and occupied by a single-family residential home. The property to the west is zoned R-20 Residential and is occupied by a single-family residential home. Hwy 150 is designated as a major thoroughfare on the Catawba County Transportation Plan.

The intent of the HC Highway Commercial District under the Catawba County UDO is addressed under item b, above. The R-20 Residential District is primarily a medium-density residential and agricultural district, which permits site-built homes, duplexes, and agricultural uses by right. The subject property is occupied by a single-family residential structure and could possibly be subdivided to create an additional residential building lot, which would be the maximum extent of development possible for the property. Development of the subject property under the HC Highway Commercial standards would permit the property to be developed at a maximum floor area ratio of 1:3, which would calculate into 0.693 acres (30,187 square feet) of total floor area. The HC Highway Commercial district permits a wide variety of retail and service land uses. The subject property is also located within the Mixed Use Corridor Overlay District, which places specific use, site and building design standards on non-residential construction and development.

The Sherrills Ford Small Area Plan, adopted on February 17, 2003, serves as the current land use plan for this area. The plan identifies this span of the Highway 150 corridor as a Regional Commercial/Mixed Use area. Staff considered this request to be in conformance with the adopted land use plan and recommended the rezoning of the property from the R-20 Residential District to the HC Highway Commercial District based upon: 1) the Sherrills Ford Small Area Plan's recognizing of this area as a Regional Commercial/Mixed Use area; 2) the purpose of the HC Highway Commercial District; and 3) the close proximity of existing commercial zoning. The Planning Board conducted a public hearing on January 29, 2007. No one present spoke regarding this rezoning request. The Planning Board concurred with the staff recommendation to support the request to rezone the property from R-20 Residential to HC Highway Commercial, based on the factors cited above.

Vice-Chair Beatty asked if the Board members had any questions and there were none. She stated it was the time and place advertised for the public hearing and asked anyone wishing to speak to come forward. Hearing and seeing no one, Vice-Chair Beatty closed the public hearing. Commissioner Hunsucker made a motion to approve the rezoning request. The motion carried unanimously.

d. Cal Overby, Planner, presented a request of Mr. Edmund Wyatt and Ms. Deborah Wyatt to rezone a 0.98-acre parcel at 5793 Highway 150 East in the Sherrills Ford Small Area Planning District, from R-20 Residential to HC Highway Commercial. The subject parcel is occupied by a single-family residential home. The properties to the north across Highway 150 are zoned R-20 Residential and occupied by two single-family residential homes. The property to the south is zoned HC Highway Commercial and occupied by a childcare center. The property immediately to the east is zoned R-20 Residential and is vacant. The next property to the east is zoned R-20 Residential and is occupied by a single-family residential home. The property to the west is zoned RC Rural Commercial and is

vacant. Highway 150 is designated as a major thoroughfare by the Catawba County Transportation Plan.

The intent of the HC Highway Commercial District and the R-20 Residential Districts, under the Catawba County UDO, are addressed under items c and d, above. The subject property is occupied by a single-family residential structure and could possibly be subdivided to create an additional residential building lot, which would be the maximum extent of development possible for the property. Development of the subject property under the HC Highway Commercial standards would permit the property to be developed at a maximum floor area ratio of 1:3, which would calculate into 0.323 acres (14,070 square feet) of total floor area. (Note: rounding was used.) The HC Highway Commercial district permits a wide variety of retail and service land uses. The subject property is also located within the Mixed Use Corridor Overlay District, which places specific use, site and building design standards on non-residential construction and development.

The Sherrills Ford Small Area Plan, adopted on February 17, 2003, serves as the current land use plan for this area. The plan identifies this span of the Highway 150 corridor as a Regional Commercial/Mixed Use area. Staff considered this request to be in conformance with the adopted land use plan and recommended the rezoning of the property from R-20 Residential to HC Highway Commercial based upon: 1) the Sherrills Ford Small Area Plan's recognizing this area as a Neighborhood Commercial Node; 2) the intent of the HC Highway Commercial District; and 3) the close proximity of existing HC Highway Commercial zoning. The Planning Board conducted a public hearing on January 29, 2007. No one present spoke with regard to this rezoning request. The Planning Board concurred with the staff recommendation to support the request to rezone the property from R-20 Residential to HC Highway Commercial, based on the factors cited above.

Vice-Chair Beatty asked if any of the Board members had any questions and there were none. She stated it was the time and place advertised for the public hearing and asked anyone wishing to speak to come forward. Seeing and hearing no one, Vice-Chair Beatty closed the public hearing. Commissioner Barger made a motion to approved the rezoning. The carried unanimously.

e. and f. Sherry Long, Community Development Director of the Western Piedmont Council of Governments, presented a request to close out a \$180,000 Community Development Block Grant (CDBG) Economy Recovery Grant awarded to Catawba County in 2004. This grant was used for projects identified by the Future Forward Economic Alliance. In response to the tremendous loss of jobs in North Carolina and the impact of those lost jobs, the US Economic Development Administration (EDA) made funding available for grants to be used to complete Comprehensive Economic Development Strategies, blueprints for future economic development. An EDA grant of \$320,000 was approved for a project area which included Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, Rutherford, Avery, Mitchell, Watauga, Wilkes and McDowell Counties and was matched by the \$80,000 CDBG grant to Catawba County. Working with professional consultants and the Western Piedmont Council of Governments, the Future Forward Committee reviewed existing reports, interviewed more than 150 people and talked with nearly 400 citizens in a series of workshops. A comprehensive study of the region's economy found that the region's decline in manufacturing jobs began in 1995, well before the recession early in this decade. Structural changes in key industries also contributed to the economic decline. From this data, the Future Forward Committee fashioned a vision statement and identified strategies considered most important for achieving long-term economic success.

As of December 31, 2006, the alliance was successful in achieving identified goals in four areas: 1) market research to compile a list of companies with the greatest potential for local expansion or relocation; 2) a Brownfields environmental site survey of potential sites that could be redeveloped or evaluated for redevelopment for business and industry, which identified nine sites in the alliance area, six of which are being redeveloped or evaluated for redevelopment while two are being marketed and one is being considered for purchase by a local government; 3) identification of two "mega-site" projects with North Carolina Site Certification, suitable for multiple industries, including one mega-site in Catawba County; and 4) implementation and monitoring of the progress of the Comprehensive Economic Development Strategies study, noted above, which recorded a number of successes including establishment of the Future Forward alliance itself, the opening of the North Carolina Center

for Engineering Technology in Hickory in 2007, creation of a regional tourism website (greaterhickorymetro.com), establishment of a Higher Education Coordinating Council and a system to match people with available jobs.

Ms. Long continued with a request to close out a grant of an \$80,000 CDBG which Catawba County received from the State of North Carolina in 2002. This grant resulted in creation of the Future Forward Comprehensive Economic Development Strategy and Action Plan outlined above.

Vice-Chair Beatty announced that this was the time and place announced for these public hearings and asked for anyone wishing to speak to come forward. Commissioner Hunsucker made a motion to close out both CDBG grants. The motion carried unanimously.

9. Appointments: No appointments were made at this meeting.
10. Consent Agenda: There was no consent agenda at this meeting.
11. Departmental Reports.

Economic Development Corporation.

Economic Development Corporation President Scott Millar presented a request for the Board to formally approve the issuance of \$4.5 million in Industrial Revenue Bonds for Fiber Line, Inc. This bond issue would carry no financial obligation for Catawba County or the State of North Carolina. The money comes from private investors. Bonds are sold in national capital markets to insurance companies, and to bond and mutual funds.

The bonds will fund a proposed project including a 60,000 square foot expansion of Fiber-Line's existing manufacturing facility located in Shurwood Business Park in Hickory. The project includes the acquisition of equipment to be used in the manufacture of coated synthetic yarns, fiberglass yarns and various resin products. Fiber-Line will add 25 new jobs, increasing its employment from 33 to 58 over the next three years. The average expected wage will be approx. \$14 an hour for machine operators and administrative personnel. Training programs offered through Catawba Valley Community College will be used to help offset training costs for the company. The Catawba County Industrial Facilities and Pollution Control Financing Authority entered into a Memorandum of Agreement with Fiber-Line on July 19, 2006, and the Board of Commissioners authorized an application for the issue of these bonds after a public hearing at its meeting on September 18, 2006. This expansion would generate approximately \$44,550 in annual combined Hickory and Catawba County tax revenue.

County Manager J. Thomas Lundy clarified that this action pledges the full faith and credit of the company, not the County.

The following resolution was adopted upon approval of the issuance of these bonds and reflects the motion and vote on the issue:

"RESOLUTION APPROVING THE ISSUANCE OF \$4,500,000 MAXIMUM  
AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT REVENUE  
BONDS (FIBER-LINE, INC.), SERIES 2007, 2007B-1 AND 2007B-2 OF THE  
CATAWBA COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL  
FINANCING AUTHORITY TO FINANCE A PROJECT IN CATAWBA COUNTY FOR  
FIBER-LINE, INC. AND HICKORY REAL ESTATE ASSOCIATES, L.P. AND  
APPROVING THE PROJECT"

BE IT RESOLVED by the Board of Commissioners for the County of Catawba:

Section 1. The Board of Commissioners has determined and does hereby declare as follows:

(a) The Board of Commissioners of The Catawba County Industrial Facilities and Pollution Control Financing Authority (herein referred to as the "*Authority*") has met and approved the following documents in connection with the proposed issuance and sale of the Authority's Industrial Development Revenue Bonds (Fiber-Line, Inc.) Series 2007, 2007B-1 and 2007B-2 (the "*Bonds*"), in the maximum aggregate principal amount of \$4,500,000:

1. A form of Financing Agreement by and among the Authority, Fiber-Line, Inc., Hickory Real Estate Associates, L.P. and Brown Brothers Harriman & Co. relating to the Industrial Project;
2. A form of Amended and Restated Credit Agreement by and among Brown Brothers Harriman & Co., Fiber-Line, Inc. and Hickory Real Estate Associates, L.P.;
3. A form of Amended and Restated Deed of Trust from Hickory Real Estate Associates, L.P. (doing business in the State of North Carolina as Hickory Real Estate Associates Limited Partnership) to the Deed of Trust Trustee named therein for the benefit of Brown Brothers Harriman & Co.;
4. A form of Amended and Restated Security Agreement made by Fiber-Line, Inc. to Brown Brothers Harriman & Co.;
5. A form of Amended and Restated Collateral Assignment of Leases by Hickory Real Estate Associates, L.P. to the Trustee named therein for the benefit of Brown Brothers Harriman & Co.;
6. A form of Amended and Restated Guaranty Agreement from Fiber-Line, Inc. to Brown Brothers Harriman & Co.;

Section 2. Pursuant to and in satisfaction of the requirements of Section 159C-4(d) of the General Statutes of North Carolina, the Board of Commissioners for the County of Catawba hereby approves the issuance by the Authority of its Industrial Development Revenue Bonds (Fiber-Line, Inc.) Series 2007, 2007B-1 and 2007B-2 in the maximum aggregate principal amount of \$4,500,000.

Section 3. This resolution shall take effect immediately upon its passage.

Commissioner Lynn M. Lail moved to pass the foregoing resolution, and the resolution was passed by the following vote: Ayes: Unanimous.

12. Other Items of Business.  
Assistant County Manager Lee Worsley introduced an ICMA Leadership Group comprised of assistant city and county managers from Texas, Connecticut and Virginia (Mario Canizares, Assistant City Manager, Addison, Texas; Emily Moon, Assistant Town Manager, Windsor, Connecticut; Craig Smith, Assistant City Manager, Winchester, Virginia and Mark Israelson, Director of Customer and Utility Services, Plano, Texas) who were conducting a study of Catawba County's citizen engagement and public information program and acting as consultants to recommend improvements in those areas.
13. Attorneys' Report. None.
14. Manager's Report. None.



15. Commissioner Hunsucker made a motion to adjourn at 8:05 p.m. The motion carried unanimously.

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Barbara G. Beatty, Vice-Chair  
Board of Commissioners

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Barbara E. Morris, County Clerk